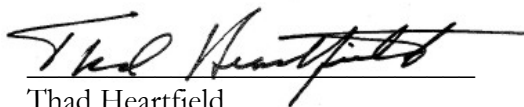


¹ While the prior lawsuit was dismissed for failure to exhaust administrative remedies, the United States Court of Appeals for the Fifth Circuit has vacated the judgment and remanded the lawsuit to this court for further proceedings.

Conclusion

For the reasons set forth above, this lawsuit will be dismissed without prejudice. A final judgment shall be entered in accordance with this memorandum opinion.

SIGNED this the **5** day of **November, 2007**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", is written over a horizontal line.

Thad Heartfield
United States District Judge